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19 *Attorneys for Defendants Merck & Co., Inc.*
20 *and Merck Sharp & Dohme Corp.*

21 **UNITED STATES DISTRICT COURT**

22 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

23 IN RE: INCRETIN-BASED
24 THERAPIES PRODUCTS LIABILITY
25 LITIGATION

26 AS TO ALL CASES IDENTIFIED IN
27 PARAGRAPH 1

Case No. 13-md-2452-AJB-MDD

**JOINT MOTION FOR
EXTENSION OF TIME TO
RESPOND TO PLAINTIFFS'
COMPLAINTS**

Judge: Hon. Anthony J. Battaglia
Magistrate: Hon. Mitchell D. Dembin

1 Pursuant to Rules 7.2 and 12.1 of the Local Rules for the United States District
2 Court for the Southern District of California, Plaintiffs in the cases listed in Paragraph
3 1 ("Plaintiffs") and Merck & Co., Inc. ("Merck"), by and through their attorneys,
4 move as follows:

5 1. The actions subject to this motion are:

6 a. *Brock v. Merck & Co., Inc., et al.*, Case No. 3:13-cv-2499-AJB-MDD
7 (S.D. Cal.);

8 b. *Rhodes v. Merck & Co., Inc., et al.*, Case No. 3:13-cv-2651-AJB-MDD
9 (S.D. Cal.);

10 2. Plaintiffs have filed claims against Merck in the cases listed in Paragraph

11 1. Merck has not yet served a responsive pleading to Plaintiffs' Complaints.

12 3. The approved Master Complaint in this MDL includes only Merck Sharp
13 & Dohme Corp. as the defendant related to Januvia and Janumet and automatically
14 served as an answer to Plaintiffs' Complaints on Merck Sharp & Dohme Corp.'s
15 behalf, but not on behalf of any other Merck defendant.

16 4. Merck has requested that Plaintiffs voluntarily dismiss their claims
17 against the defendants other than Merck Sharp & Dohme Corp. in lieu of engaging the
18 Court in motions practice, and Plaintiffs' counsel is presently evaluating that request.

19 5. To conserve the parties' resources and the resources of the Court, the
20 parties agree that an extension of Merck's deadline to answer or otherwise respond to
21 the Complaints should be extended to March 17, 2014.

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1 Accordingly, Plaintiffs and Merck hereby move the Court to grant Merck an
2 extension of time within which to file and serve its responsive pleading to Plaintiffs'
3 Complaints, so that Merck shall respond on or before March 17, 2014.

4
5 Dated: February 28, 2014

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18 *Merck Sharp & Dohme Corp.*

19 Dated: February 28, 2014

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s/ Vickie E. Turner
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